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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2004 JUN 15 A 11:37

UNITED STATES OF AMERICA,)
)
 v.)
)
 JAMES T. RICHARDS,)

U.S. DISTRICT COURT
DISTRICT OF MASS.
Criminal No. 03-10367-MEL

**GOVERNMENT'S MOTION FOR MENTAL EXAMINATION
OF THE DEFENDANT**

The United States of America, through its undersigned counsel, hereby moves pursuant to 18 U.S.C. § 4242(a) and Federal Rule of Criminal Procedure 12.2 (c)(1)(B) for an order that the defendant undergo an examination to determine the existence of insanity at the time of the offense charged in this case. The defendant has filed a Notice of Insanity Defense and Expert Testimony (Docket Entry No. 34). Based upon that notice and the instant motion, the defendant must be ordered to be examined under 18 U.S.C. § 4242.

The United States made this motion at a hearing before this Court on June 8, 2004, and was ordered to supplement its oral motion in writing. If this motion is granted, the United States further moves pursuant to 18 U.S.C. § 4247(b) that the defendant be committed to the custody of the Attorney General for placement in a suitable facility for a psychiatric or psychological examination.

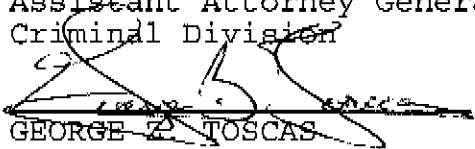
After the United States made its oral motion at the June 8, 2004 hearing, and after the Court ordered that this written motion be filed, the defendant attempted to withdraw the aforementioned Notice of Insanity Defense and Expert Testimony

subject to refileing the notice after he had the opportunity to have his own mental examination conducted. The Court ordered that the defendant withdraw the notice through written motion. The United States has not yet received any such motion, and therefore files this motion pursuant to this Court's instructions.

Respectfully submitted,

CHRISTOPHER A. WRAY
Assistant Attorney General
Criminal Division

By:


GEORGE Z. TOSCAS
Trial Attorney
United States Department of Justice
(202) 616-0727

June 14, 2004

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the persons listed below a copy of the foregoing document by depositing in the mail a copy of same in an envelope bearing sufficient postage for delivery:

Defendant James T. Richards (Pro Se)
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TRIAL ATTORNEY

June 14, 2004